

rolled Bills, have had Senate Bills Nos. 467, 393, 466, 465, 494, 497, 480, 322, 352, 207, 349, 103, 486, 509, 305, 496, 505, 483, 500, 150, 309, 504, 484, 77, and 469, carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, May 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 66 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SEVENTY-SIXTH DAY.

(Friday, May 14, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following Senators were absent and excused:

Lemens	Weinert
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A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on H. C. R. No. 101, on Senate Bill No. 213, and on House Bills Nos. 1050, 1051, 557 and 1174 were submitted by the chairmen of

the several committees to which they were referred. (See appendix for reports in full.)

Leaves of Absence Granted.

Senator Weinert and Senator Lemens were granted leaves of absence for today, on account of important business, on motion of Senator Aikin.

House Bill No. 5 on Passage to Third Reading.

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5 by striking out of Section 1 of Article 1 under subdivision (c) the following:

"or to permit the same to be consumed on such licensed premises."

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5 by striking out in lines 19 and 20 on page 2 of the printed bill:

"or to permit the same to be consumed on such licensed premises."

Senator Small moved to table the substitute and the (committee) amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Aikin	Cotten
Beck	Davis
Burns	Head
Collie	Hill

Isbell
Neal
Oneal
Pace

Small
Van Zandt
Westerfeld
Woodruff

Nays—6.

Brownlee
Moore
Rawlings

Roberts
Stone
Sulak

Absent.

Holbrook
Redditt

Winfield

Paired.

Senator Shivers (present), who would vote nay with Senator Lemens (absent), who would vote yea.

Senator Nelson (present), who would vote yea with Senator Weinert (absent), who would vote nay.

Senator Spears (present), who would vote nay with Senator Newton (absent), who would vote yea.

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5, Article 1 by striking out Section 16 (a) and inserting a new Section 16 (a) reading as follows:

"Sec. 16 (a). It shall be unlawful for any licensee to possess on premises covered by his license, any alcoholic beverage that he is not authorized by law to sell."

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5 by striking out Section 16 (a) on pages 36 and 37 of the printed bill and inserting a new Section 16 (a) reading as follows:

"Sec. 16 (a). It shall be unlawful for any licensee to possess on premises covered by his license, any alcoholic beverage that he is not authorized by law to sell."

Senator Small moved to table the substitute and the (committee) amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Aikin
Beck
Burns
Collie
Cotten
Davis
Head
Hill

Isbell
Neal
Oneal
Pace
Redditt
Small
Van Zandt
Woodruff

Nays—11.

Brownlee
Holbrook
Moore
Newton
Rawlings
Roberts

Spears
Stone
Sulak
Westerfeld
Winfield

Absent.

Nelson

Absent—Excused.

Weinert

Paired.

Senator Shivers (present), who would vote nay, with Senator Lemens (absent), who would vote yea.

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5, Article 1 by striking out Subsection (e) of Section 20 and covered by his license, any alcoholic beverage that he is not authorized inserting a new subdivision (e) reading as follows:

"(e) Possessed, on premises covered by his license, any alcoholic beverage that he is not authorized by law to sell at the place of business covered by the license sought to be cancelled by the Board or Administrator."

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5 by striking out Subsection (e) of Section 20, being lines 51 to 56, both inclusive, on page 37 of the printed bill and inserting a new subdivision (e) reading as follows:

"(e) Possessed, on premises covered by his license, any alcoholic beverage that he is not authorized by law to sell at the place of business covered by the license sought to be

cancelled by the Board or Administrator."

On motion of Senator Small the substitute and the (committee) amendment were tabled.

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5, Article 1, by striking out subdivision (d) of Section 20.

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5, Article 1 by striking out subdivision (d) of Section 20 being lines 47 to 50, both inclusive, on page 37 of the printed bill, and lines 44 to 47 both inclusive on page 32 of the printed bill.

Senator Small moved to table the substitute and the (committee) amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Aikin	Neal
Beck	Oneal
Burns	Pace
Collie	Redditt
Cotten	Small
Head	Van Zandt
Hill	Woodruff
Isbell	

Nays—10.

Brownlee	Spears
Holbrook	Stone
Moore	Sulak
Rawlings	Westerfeld
Roberts	Winfield

Absent.

Davis	Newton
Nelson	

Absent—Excused.

Weinert

Paired.

Senator Shivers (present), who would vote nay with Senator Lemens (absent), who would vote yea.

Senator Moore offered the following (committee) amendment to the bill:

Amend H. B. No. 5 by striking out Section 5-½ thereof and inserting a new Section 5-½ to read as follows:

"The administrator shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum and shall execute a bond in the sum of Ten Thousand (\$10,000.00) Dollars payable to the State of Texas conditioned as the Board may require. The administrator shall be selected by the Board, by and with the consent of two-thirds of the members of the Senate of Texas."

Senator Moore offered the following substitute for the (committee) amendment:

Amend H. B. No. 5 by striking out Section 5 ½, on pages 3 and 4, of the printed bill thereof, and inserting a new Section 5 ½ to read as follows:

"The Administrator shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum and shall execute a bond in the sum of Ten Thousand (\$10,000.00) Dollars payable to the State of Texas conditioned as the Board may require. The Administrator shall be selected by the Board, by and with the consent of two-thirds of the members of the Senate of Texas, but he may be removed by the Board at its pleasure."

On motion of Senator Moore and by unanimous consent, the substitute and (committee) amendment were tabled subject to call.

(Senator Aikin in the Chair.)

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 5, page 3, by adding after line 18 the following:

"And any person, persons or association who violates any portion of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1000.00) Dollars, or by imprisonment in the County jail for not less than thirty (30) days and no more than one (1) year."

On motion of Senator Spears, the amendment was tabled subject to call.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 5 by striking out on page 14 all from line 50 to line 53, inclusive, and by substituting the following:

"(d). Withdraw wine from a container without State tax stamps and transfer the same to other containers, and affix the State tax stamps to such containers before making a sale.

"(e). Keep a permanent record of every purchase and sale, showing the name of the person bought from and sold to, the gallonage and the percentum of alcohol by volume."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 5 by striking out from line 49 on page 20 beginning with the word "the" all to line 51 ending with the word "Act." and inserting in lieu thereof:

"every container intended to be sold as unbroken package to the ultimate customer. And no wine shall be sold for consumption on the premises of a person holding a Wine and Beer Retailer's Permit except from a container having the State tax Stamp affixed thereto. And any person, persons or associatiton who violates any portion of this sectiton shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1000.00) Dollars, or by imprisonment in the county jail for not less than thirty (30) days and no more than one (1) year."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 5 by inserting on page 11, line 47, after the words "liquors in," the word "original," and by inserting on page —, line —, after the word "gallons," the words "in original containers."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 5 as reported favorably with committee amendments by the Senate State Affairs Committee on May 4, 1937, by striking out the words and figures "than Twenty Five Dollars (\$25)"; as the same appears in line 59, page 25, printed copy of the bill and insert in

lieu thereof the following words and figures: "than One Hundred Dollars (\$100)."

The amendment was adopted.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 5, pages 29 and 30, by striking out all of Section 3 (a) and substituting in lieu thereof the following:

"(a) Manufacturer's License: A Manufacturer's License shall authorize the holder thereof to manufacture or brew beer and to distribute and sell same to others in unbroken original packages. No Manufacturer's License shall be held by any person not engaged in the brewing of beer within the State of Texas; and no person by virtue of any license or otherwise shall be authorized to bottle or can or pack in containers for resale any beer at any place in this State except upon premises covered by a Manufacturer's primary License. Annual State fee for a Manufacturer's License shall be Five Hundred Dollars (\$500.00)."

On motion of Senator Moore and by unanimous consent, the amendment was tabled subject to call.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 5, page 31, by adding at the end of Section 3 (h) the following:

"No licensed manufacturer or distributor shall be required to obtain an additiotnal license on account of sales of beer consumated at the purchaser's place of business, when such place of business is covered by a retailer's license."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 5, page 42, line 50, by striking out the word "as" where it appears after the word "use" and insert in lieu thereof the word "any."

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 5, page 42, line 55, by striking out the word "or" and inserting in lieu thereof the word "and."

The amendment was adopted.

Senator Spears called up from the

table, for further consideration at this time, the amendment offered by himself to Section 3 (a) of the bill.

(President in the Chair.)

Question—Shall the amendment be adopted?

**Conference Committee Report on
House Joint Resolutions
Nos. 26 and 26a.**

Senator Van Zandt submitted the following report on the conference committee on H. J. R. No. 26:

Committee Room,
Austin, Texas, May 13, 1937.
Hon. Walter F. Woodul, President of
the Senate;

Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sirs: We, your Conference Committee appointed to adjust differences between the House and Senate on H. J. R. No. 26, have had same under consideration and find from the contents of said resolution as originally passed in the House of Representatives that it contains two subjects susceptible of division, and that it is the best judgment of this committee that these subjects be submitted separately. And having adjusted the differences between the House and Senate, we recommend the subject matter contained in said H. J. R. No. 26 be submitted in the two forms attached hereto.

Respectfully submitted,
VAN ZANDT,
RAWLINGS,
ROBERTS,
HOLBROOK,
SHIVERS.

On the part of the Senate.

ALSUP,
BRADBURY,
JONES of Wise,
HARRIS of Dickens,
ROARK.

On the part of the House.

By Alsop, Beckworth. H. J. R. No. 26.

- HOUSE JOINT RESOLUTION

Proposing an amendment to Article 3 of the Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assist-

ance to the needy blind over the age of twenty-one (21) years, and for the payment of same not to exceed Fifteen Dollars (\$15) per month each, and providing for payment of such assistance or aid only to actual bona fide citizens of Texas and providing that the requirements for the length of time of actual resident in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for such assistance and continuously for one year immediately preceding such application; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to such blind; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article 3 of the Constitution of the State of Texas, as amended, be amended by adding thereto a Section to be known as Article 51-c which shall read as follows:

"Sec. 51-c. The Legislature shall have the power by General Laws to provide, under such limitations and regulations and restrictions as may by the Legislature be deemed expedient, for assistance to the needy blind over the age of twenty-one (21) years, and for the payment of same not to exceed Fifteen Dollars (\$15) per month per person; such assistance or aid to be granted only to actual bona fide citizens of Texas; provided that no habitual criminal and no habitual drunkard and no inmate of any State supported institution, while such inmate, shall be eligible for such assistance to the needy blind over the age of twenty-one (21) years; provided, further, that the requirements for the length of time of actual residence in Texas shall never be less than five (5) years during the nine (9) years immediately preceding the application for assistance to the needy blind over the age of twenty-one (21) years; and continuously for one year immediately preceding such application.

"The Legislature shall have the authority to accept from the Government of the United States such financial aid for assistance to the needy blind as that Government may offer not inconsistent with the restrictions hereinabove provided."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas on the fourth Monday of August, 1937, at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"For the amendment to the State Constitution providing for assistance to the needy blind over the age of twenty-one (21) years not to exceed Fifteen Dollars (\$15) per month per person, and providing for acceptance from the Government of the United States of America financial aid for such payment."

Those voters opposing said proposed amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing for assistance to the needy blind over the age of twenty-one (21) years, not to exceed Fifteen Dollars (\$15) per month per person, and providing for acceptance from the Government of the United States of America financial aid for such payment."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution for Amendments thereto.

Sec. 4. The sum of Nine Thousand Dollars (\$9,000) or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

By Representative Alsup, Senator Van Zandt, et al Conferees.

H. J. R. No. 26a.

HOUSE JOINT RESOLUTION

Proposing an amendment to Article III of the Constitution of the State

of Texas by adopting a new section to be known as Section 51d, which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assistance to destitute children and for the payment of same not to exceed Eight Dollars (\$8) for one child or Twelve Dollars (\$12) for the children of any one family per month; further providing that the Legislature may impose such restrictions and regulations as to it may seem expedient; providing that the amount to be expended out of state funds in any one year for such assistance shall never exceed the sum of \$1,500,000; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to destitute children; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof, and prescribing the form of ballot.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a Section to be known as Section 51d, which shall read as follows:

"Sec. 51d. Subject to the limitations and restrictions herein contained, and such other limitations, restrictions, and regulations as may be provided by law, the Legislature shall have the power to provide for assistance to destitute children under the age of fourteen (14) years; such assistance shall not exceed Eight Dollars (\$8) per month for one child nor more than Twelve Dollars (\$12) per month for such children of any one family; provided that the amount to be expended for such assistance out of State funds shall never exceed the sum of \$1,500,000 per year. The Legislature may impose residential restrictions and such other restrictions, limitations, and regulations as to it may seem expedient.

"The Legislature shall have the authority to accept from the Government of the United States such financial assistance to destitute children as that Government may offer not

inconsistent with the restrictions hereinabove provided."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the fourth Monday in August, 1937, at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"For the Amendment to the State Constitution providing for assistance to destitute children under the age of fourteen (14) years not to exceed Eight Dollars (\$8) per month for one child nor more than Twelve Dollars (\$12) per month for such children of any one family, and providing acceptance from the Government of the United States of America financial assistance for such payment."

Those voters opposing said proposed Amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing for assistance to destitute children under the age of fourteen (14) years not to exceed Eight Dollars (\$8) per month for one child nor more than Twelve Dollars (\$12) per month for such children of any one family, and providing for acceptance from the Government of the United States of America financial assistance for such payment."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution for Amendments thereto.

Sec. 4. The sum of Five Thousand Dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

Bills and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 208, "An Act providing that the sheriff may summons jurors in capital cases in counties having a city with a population of twenty thousand (20,000) or more, according to the last preceding Federal Census, either in person, verbally, or by registered United States mail, as the trial judge in his discretion may order; and declaring an emergency."

S. B. No. 471, "An Act empowering and authorizing cities and towns in the State of Texas having a population in excess of 230,000 and not exceeding 232,000, according to the last preceding or any future Federal Census, to enact ordinances governing operation of all motor vehicles upon the public thoroughfares of such cities; providing that said ordinances may require testing and inspecting such motor vehicles at stated times and approval by the testing and inspecting authorities, including the State Highway Patrol; etc., and declaring an emergency."

S. B. No. 142, "An Act amending Section 36 of H. B. No. 521 of the Regular Session of the Forty-fourth Legislature so as to appropriate all fees collected thereunder for the use of the Secretary of State in enforcing said bill, and declaring an emergency."

S. B. No. 270, "An Act to amend Article 3899 of the Revised Statutes of Texas of 1925, as amended by the Acts of the Forty-fourth Legislature approved November 15th, 1935, so as to add after the words 'Each officer named in this Act, where he receives a salary as compensation for his services, shall be empowered and permitted to purchase and have charged to his county all reasonable expense necessary in the proper and legal conduct of his office' in said Article the words 'including the cost of Surety Bonds for his Deputies' and declaring an emergency."

S. B. No. 489, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not less than 4,750 and not more than 4,850, whether organized under General or Special Law, etc., and declaring an emergency."

C. S. for S. B. No. 84, "An Act to provide, with approval of court, the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

S. B. No. 438, "An Act to make it unlawful to barter, sell or exchange any child under the age of fifteen (15) years, or to offer or advertise for barter, sale or exchange any child under the age of fifteen (15) years; prescribing penalties for a violation of this Act, and declaring an emergency."

S. B. No. 144, "An Act amending Articles 4925 and 4926, Revised Civil Statutes, 1925, so as to clarify the same by providing that the total recoveries permitted on the bonds therein provided for shall not exceed the face value of the bonds, and declaring an emergency."

S. C. R. No. 65, Relating to enforcement of certain provisions of the Motor Carrier Act.

Messages From the House.

A Clerk from the House was recognized to present the following messages:

Hall of the House of Representatives,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 831, A bill to be entitled "An Act to amend House Bill No. 363, Acts of the Regular Session of the Forty-fourth Legislature of Texas, being Chapter 341 of such Acts; so as to authorize the Commission of the Volunteer Army of the War with Spain to invest the principal and the Department Commander of the United Spanish War Veterans to administer and disburse the income from the fund provided in said House Bill No. 363, for the benefit of aged and indigent Spanish-American

War Veterans, their widows and orphans; providing the mode of investment of such principal fund; making appropriation, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 838 and requests the Senate for the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Messrs. Graves, Cagle, Reed of Dallas, Jones of Falls, Stevenson.

The House has passed the following resolution:

H. C. R. No. 131, Providing for sine die adjournment of the Forty-fifth Regular Session of the Legislature on Saturday, May 22, 1937, at 12:00 o'clock noon.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Time Set for Executive Session.

Senator Oneal asked unanimous consent of the Senate that the Senate go into executive session at 11:52 o'clock a. m., today.

There was no objection offered, and it was so ordered.

Executive Session.

At 11:52 o'clock a. m., the President announced that the hour set for an executive session of the Senate had arrived; and he requested all persons not entitled to attend the executive session to withdraw from the Senate Chamber and directed the Sergeant-at-Arms and the Doorkeeper to keep all doors leading into the Chamber closed until the executive session has been concluded.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following report of the Committee on Nominations of the Governor had been approved by the Senate in executive session:

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as chairman of said committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be Chief Justice of the Court of Civil Appeals for the Seventh District at Amarillo: Judge M. J. R. Jackson of Amarillo, Potter County, to succeed Judge R. W. Hall, deceased.

To be Associate Justice of the Court of Civil Appeals for the Seventh District at Amarillo: A. J. Folley of Floydada, Floyd County, to succeed Judge M. J. R. Jackson, resigned.

To be District Judge of the 110th Judicial District: Alton B. Chapman of Spur, Dickens County, to succeed A. J. Folley, resigned.

ONEAL, Chairman.

The President called the Senate to order, as in legislative session, at 12:00 o'clock, meridiem.

Senate Concurrent Resolution No. 67.

Senator Davis offered the following resolution:

S. C. R. No. 67, Authorizing Silas Gotcher, et al., to sue the State.

The resolution was read and was referred by the President to the Committee on State Affairs.

Senate Concurrent Resolution No. 68.

Senator Head offered the following resolution:

Whereas, The Legislature has passed an emergency appropriation bill which includes the sum of \$7,500.00 for John Tarleton Agricultural College for the purpose of building a water tower; and

Whereas, Since said estimate was made and prices of materials were much lower than at the present time; and

Whereas, The engineer of A. and M. College and the engineer for the Board of Control has estimated that said water tower will cost approximately \$1,000.00 more than formerly estimated; therefore, be it

Resolved, That this Legislature grant permission to said John Tarleton Agricultural College to pay the residue of such expenses out of local funds not to exceed the sum of \$1,000.00.

The resolution was read.

On motion of Senator Head and by unanimous consent, the Senate rule requiring concurrent resolutions to be referred to a committee was suspended, and the regular order of business was suspended, to permit consideration of the resolution at this time.

The resolution was adopted.

Senate Bill No. 517 on First Reading.

Senator Winfield moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent—Excused.

Lemens	Weinert
Nelson	

The following bill then was introduced, read first time and referred to the Committee on Game and Fish:

By Senator Winfield:

S. B. No. 517, A bill to be entitled "An Act making it lawful to kill golden eagles in the State of Texas at any time, and repealing all laws in so far as they conflict with this Act, and declaring an emergency."

Recess.

On motion of Senator Redditt, the Senate, at 12:02 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session.

The Senate met at 2:30 o'clock p. m., and was called to order by Senator Aikin.

At Ease.

On motion of Senator Hill, the Senate, at 2:31 o'clock p. m., agreed to stand at ease until 2:40 o'clock p. m., today.

The Presiding Officer (Senator Aikin) called the Senate to order at 2:40 o'clock p. m.

Report of Conference Committee on Senate Bill No. 164.

Senator Collie submitted the following report of the Conference Committee on S. B. No. 164:

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the two Houses on S. B. No. 164,

Have had the same under consideration and beg to recommend that the bill pass in the form attached hereto.

COLLIE,
COTTEN,
HILL,
SHIVERS,
SPEARS.

On the part of the Senate.

McCONNELL,
ROSS,
DAVISSON of Eastland,
HUDDLESTON,
AMOS.

On the part of the House.

By Collie.

S. B. No. 164.

A BILL**To Be Entitled**

An Act to amend Articles 5483 and 5486, Chapter 5, Title 90, of Revised Civil Statutes of 1925, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5483, Chapter 5, Title 90, of Revised Civil

Statutes of 1925 be so amended as to hereafter read as follows:

"Article 5483. Whenever any clerk, accountant, bookkeeper, waiter, waitress, cook, maid, porter, servant, employee artisan craftsman, factory operator, mill operator, mechanic, quarryman, common laborer, farm hand, male or female, may labor or perform any service in any office, store, hotel, rooming house, boarding house, restaurant, cafe, shop, factory, mine, quarry or mill of any character, or perform any service in the cutting, preparation, hauling, handling, or transporting to any mill or other point for sale, manufacture or other disposition, logs or timber, or perform any service upon any wagon, cart, tram, or railroad, or other means or methods of transporting such logs or timber, and in the construction or maintenance of such tram or railroad, constructed or used for the transportation of logs or timber to or for such mills to its owner or operator, or to points for sale, shipment or other disposition, or any farm hands, under or by virtue of any contract or agreement, written or verbal, with any person, employer, firm or corporation, or his, her, or their agent, receiver or trustee, in order to secure the payment of the amount due or owing under such contract or agreement, written or verbal, the hereinbefore mentioned employees shall have a first lien upon all products, machinery, tools, fixtures, appurtenances, goods, wares, merchandise, chattels, wagons, carts, tram roads, railroads, rolling stock and appurtenances, or thing or things of value of whatsoever character that may be created in whole or in part by the labor or that may be used or useful by such person or persons or necessarily connected with the performance of such labor or service, which may be owned by or in the possession or under the control of the aforesaid employer, person, firm, corporation, or his or their agent or agents, receiver or receivers, trustee or trustees; provided, that the lien herein given to a farm hand shall be subordinate to the landlord's lien provided by law."

Sec. 2. That Article 5486, Chapter 5, Title 90, of the Revised Civil Statutes of 1925 be so amended as to hereafter read as follows:

"Article 5486. Whenever any person, employer, firm, corporation, his,

her or their agent or agents, receiver or receivers, trustee or trustees, shall fail or refuse to make payments as hereinafter prescribed in this law, the said clerk, accountant, bookkeeper, waiter, waitress, cook, maid, porter, servant, employee, farm hand, artisan, craftsman, operative, mechanic, quarryman, or laborer, who shall have performed service of any character, shall make or have made duplicate accounts of such service, with amount due him or her for the same, and present, or have presented, to aforesaid employer, person, firm or corporation, his, her, or their agent or agents, receiver or receivers, trustee or trustees, one of the aforesaid duplicate accounts within thirty (30) days after the said indebtedness shall have accrued. The other of the said duplicate accounts shall, within the time herein above prescribed, be filed with the county clerk of the county in which said service was rendered, and shall be recorded by the county clerk in a book kept for that purpose. The party or parties presenting the aforesaid account shall make affidavit as to the correctness of the same. A compliance with the foregoing requirements in this Article shall be necessary to fix and preserve the lien given under this law; and the liens of different persons shall take precedence in the order in which they are filed; provided, that all persons claiming the benefit of this law shall have six months within which to bring suit to foreclose the aforesaid lien; and provided, further, that a substantial compliance with the provisions of this Article shall be deemed sufficient diligence to fix and secure the lien hereinbefore given; provided, that any purchaser of such products from the owner thereof shall acquire a good title thereto, unless he has at the time of the purchase actual or constructive notice of the claim of such lienholder upon such products, said constructive notice to be given by record of such claim, as provided for in this law, or by suit filed."

Sec. 3. The fact that the present law discriminates between employees of hotels and restaurants, and that employees in restaurants are not protected by lien for wages under present statute, and the importance of this legislation, creates an emergency and an imperative public ne-

cessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Weinert

House Bill No. 5 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H. B. No. 5, regulating the sale, etc., of alcoholic liquors, on its passage to third reading, with amendment by Senator Spears to Section 3(a) of the bill pending.

Question—Shall the amendment be adopted?

(President in the Chair.)

Relative to Adjournment Sine Die.

Senator Moore called up from the President's table, for consideration at this time, the following resolution:

H. C. R. No. 131, Providing for adjournment sine die of the Legislature on May 22, 1937, at 12:00 o'clock meridiem.

The President laid the resolution before the Senate, and it was read.

Question—Shall the resolution be adopted?

Senator Stone moved that further consideration of the resolution be postponed until 10:15 o'clock a. m. tomorrow.

Senator Moore moved the previous question on the motion of Senator Stone and the adoption of the resolution, and the motion was duly seconded.

Question—Shall the main question be now ordered?

Yeas and nays were demanded, and the Senate refused to order the main question at this time by the following vote:

Yeas—8.

Beck	Newton
Brownlee	Pace
Burns	Spears
Moore	Winfield

Nays—19.

Aikin	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Hill	Small
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Westerfeld
Oneal	

Present—Not Voting.

Woodruff

Absent.

Head

Absent—Excused.

Nelson

Weinert

Question recurring on the motion to postpone, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16.

Aikin	Oneal
Burns	Redditt
Cotten	Roberts
Hill	Shivers
Isbell	Small
Lemens	Stone
Neal	Van Zandt
Newton	Woodruff

Nays—11.

Beck	Rawlings
Brownlee	Spears
Collie	Sulak
Holbrook	Westerfeld
Moore	Winfield
Pace	

Absent.

Davis

Head

Absent—Excused.

Nelson

Weinert

Leave of Absence Granted.

Senator Nelson was granted leave of absence for the balance of today and for tomorrow on account of important business, on motion of Senator Collie and by unanimous consent of the Senate.

House Joint Resolutions Nos. 26 and 26a.

Senator Van Zandt moved that the report of the Free Conference Committee on H. J. R. No. 26 (submitted today) be adopted.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused.

Nelson

Weinert

Senator Van Zandt moved that the report of the Free Conference Committee on H. J. R. No. 26a (submitted today) be adopted.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Brownlee
Beck	Burns

Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff
Pace	

Absent—Excused.

Nelson Weinert

Reports of Free Conference Committee to Adjust Differences on House Joint Resolution No. 26.

Senator Holbrook moved that the reports of the Free Conference Committee appointed to adjust the differences between the two Houses on H. J. R. No. 26 (submitted today) be adopted.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused.

Nelson Weinert

Request of the House Granted.

Senator Moore moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 1169 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate:

Senators Moore, Westerfeld, Rawlings, Spears, and Shivers.

Report of Conference Committee on Senate Bill No. 491.

Senator Westerfeld submitted the following report of the Free Conference Committee on S. B. No. 491:

Committee Room,

Austin, Texas, May 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and House on S. B. No. 491, have had the same under consideration and recommend that the bill do pass in the form hereto attached.

Respectfully,

WESTERFELD,
BROWNLEE,
HILL,
SULAK,
SPEARS,

On the part of the Senate.

STINSON,
FELTY,
HARRIS of Dallas,
VALE,
McCRACKEN,

On the part of the House.

By Westerfeld S. B. No. 491.

A BILL

to be entitled

An Act limiting the amount of money to be assessed against candidates for Congress in Districts composed of one County, when the population is more than three hundred twenty thousand (320,000) inhabitants, and less than three hundred fifty thousand (350,000) and when the population is more than two hundred ninety-two thousand (292,000) inhabitants, and less than three hundred thousand (300,000), according to the last preceding and any future Federal Census, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the passage of this Act in all Counties having a population of more than three hundred twenty thousand (320,000) inhabitants, and less than

three hundred fifty thousand (350,000) inhabitants, according to the last preceding and any future Federal Census, the County Executive Committee in estimating the cost of a primary election and run-off (if there is one) shall not assess and Candidate for Congress whose District composes but one County, more than three Hundred Fifty (\$350.00) Dollars.

From and after the passage of this Act in all Counties having a population of more than two hundred ninety-two thousand (292,000) inhabitants, and less than three hundred thousand (300,000) inhabitants, according to the last preceding and any future Federal Census, the County Executive Committee in estimating the cost of a primary election and run-off (if there is one) shall not assess any Candidate for Congress whose District composes but one County, more than Six Hundred (\$600.00) Dollars.

Sec. 2. The fact that in various counties, when the Congressional District is composed of one county, some County Executive Committees have assessed candidates as much as Fifteen Hundred (\$1,500.00) Dollars and some as low as One (\$1.00) Dollar, and the further fact that the law is indefinite, and different Attorney-Generals have rendered different opinions on whether the limit is One (\$1.00) Dollar or more, creates an emergency and an imperative public necessity demanding that the Constitutional Rule requiring all bills to be read on three several days in each House, be suspended, and said Rule is hereby suspended, and said Act shall be in full force and take effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted by the following vote:

Yeas—28.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts
Shivers
Small
Spears
Stone

Sulak
Van Zandt
Westerfeld
Winfield
Woodruff

Nays—1.

Collie

Absent—Excused.

Nelson

Weinert

Messages From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 140.

The following are conferees on the part of the House:

Messrs. Graves, Alsup, Beckworth, Leonard and McDonald.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 164.

The following are conferees on the part of the House:

Messrs. McConnell, Davisson of Eastland, Amos, Ross, and Huddleston.

The House has granted the request of the Senate for the appointment of a conference committee on S. B. No. 402.

The following conferees are appointed on the part of the House:

Messrs. McKinney, Cagle, Keith, Fuchs of Washington and Loggins.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. C. R. No. 124, Declaring the Legislative intent relating to the provisions of H. B. No. 291, recently passed by both Houses of the Legislature.

H. B. No. 1140, "An Act to repeal Chapter 20 of Special Laws of the Regular Session of the Forty-fourth Legislature."

H. B. No. 19, "An Act providing that all persons, firms, partnerships or corporations using coupons, chips, scrip, punchouts, store orders, or other evidence of indebtedness to pay their or its laborers and employees, for labor or otherwise, shall, if demanded redeem the same in the hands of such laborer employee or bona fide holder in good and lawful money of the United States; provided, the same is presented and redemption demanded of such person, firm, partnership or corporation using same as aforesaid, at a regular payday, such redemption to be at the face value of said scrip, chips, punchouts, coupons, store orders or other evidence of indebtedness; provided, further, said face value shall be in cash the same as is purchasing power in goods, wares and merchandise at the commissary store or other repository of such persons, firms, partnerships or corporations aforesaid; and providing penalties for failure to redeem, and declaring an emergency."

H. B. No. 1041, "An Act validating all elections and proceedings had in connection with the formation of Andrews Independent School District of Andrews County, Texas; establishing the boundaries of said Andrews Independent School District; providing for the board of trustees; providing that said district shall have and exercise all the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon the trustees of independent school districts, making the Act cumulative of General Laws, providing a saving clause, repealing all laws and parts of laws in conflict, providing the Act shall not affect any taxes for bond purposes heretofore

voted on any part of the territory included in said District, and declaring an emergency."

H. B. No. 483, "An Act to amend Section 7, of Chapter 62, pages 131-133, of the General and Special Laws of the State of Texas, passed by the Forty-third Legislature at its Second Called Session, 1934, of the State of Texas; to further define a nuisance and provide for the punishment of certain persons and peace officers and organizations who knowingly permit and accept receipts from any contest enumerated and referred to in said Chapter 62, and declaring an emergency."

C. S. for H. B. No. 23, "An Act to amend S. B. No. 29, Chapter 13, Section 8, Fourth Called Session, Forty-first Legislature, reaffirming certain leases heretofore entered into by the Board created by said Act, and declaring an emergency."

H. B. No. 940, "An Act making theft of wool or mohair or edible meat a felony; prescribing penalties therefor, and declaring an emergency."

H. B. No. 1061, "An Act requiring owners of cattle affected with Bang's disease to brand and tag them for identification after they have been tested and found to have such disease, and providing a penalty, and declaring an emergency."

H. C. R. No. 132, Recalling H. B. No. 982 from the Governor's Office for correction.

H. C. R. No. 133, Authorizing the Enrolling Clerk of the House to make certain corrections in H. B. No. 982 (as enrolled).

H. B. No. 832, "An Act to create the San Jacinto River Conservation and Reclamation District, under the authority of Section 59 of Article XVI of the Constitution of Texas, and defining the powers and duties of the said district; providing for temporary directors and organization and operation of the district; and the authority and duties of said temporary directors; providing for determining the area of the district for temporary organization and for permanent organization; providing certain duties for the State Board of Water Engineers, State Reclamation Engineers and the Governor of the State; pro-

viding for the manner of securing funds for engineering surveys and other purposes necessary to develop information essential to the ascertainment of the plan of improvement necessary to secure control of harmful flood waters, and the useful distribution of such water; providing that the said district shall be governed by the provisions of Chapter 25, of the General and Special Laws of the Regular Session of the Thirty-ninth Legislature and the various amendments thereto, in all respects not specifically otherwise provided in this Act; making an appropriation of Twenty-five Thousand Dollars (\$25,000), and declaring an emergency."

H. B. No. 646, "An Act providing that persons, firms or corporations, who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; etc., and declaring an emergency."

H. B. No. 995, "An Act providing a closed season on quail and doves in Callahan and Eastland Counties, Texas, for a period of three (3) years; providing a penalty for the violation of the terms of this Act, and declaring an emergency."

**Free Conference Committee on
House Bill No. 838.**

Senator Redditt moved that the request of the House for a free conference committee to adjust the differences between the two Houses on H. B. No. 838 be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Free Conference Committee on the part of the Senate:

Senators Redditt, Small, Weinert, Beck and Head.

(Senator Moore in the Chair.)

**Conference Committee Report on
House Bill No. 132.**

Senator Oneal moved that report of the Conference Committee on H. B. No. 132 (submitted on yesterday) be adopted.

Senator Stone moved, as a substi-

tute, that the report be recommitted to the Conference Committee for further consideration, and the House requested to recommit the report.

(President in the Chair.)

Question first recurring on the motion of Senator Stone, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—9.

Brownlee	Redditt
Head	Stone
Holbrook	Van Zandt
Moore	Winfield
Rawlings	

Nays—18.

Aikin	Oneal
Beck	Pace
Burns	Roberts
Collie	Shivers
Cotten	Small
Hill	Spears
Isbell	Sulak
Lemens	Westerfeld
Newton	Woodruff

Absent.

Davis	Neal
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Absent—Excused.

Nelson	Weinert
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Question next recurring on the motion of Senator Oneal that the report be adopted, it prevailed by the following vote:

Yeas—25.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Sulak
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff
Newton	

Nays—3.

Holbrook	Van Zandt
Stone	

Neal Absent.
 Absent—Excused.
 Nelson Weinert

House Bill No. 831 on First Reading.

The following bill, received from the House today, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 831, to Committee on State Affairs.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
 Austin, Texas, May 14, 1937.
 Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that

The House has adopted the conference committee report on H. J. R. No. 26 by a vote of 124 yeas, 0 nays.

The House has adopted the conference committee report on H. J. R. No. 26-a by a vote of 104 yeas, 11 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
 Chief Clerk, House of Representatives.

Message From the Governor.

A Secretary of the Governor was announced by the Doorkeeper and was recognized to present the following message:

Austin, Texas, May 14, 1937.
 To the Members of the Forty-fifth Legislature:

I am today disapproving and vetoing House Bill 392 for the following reasons:

This bill amends Article 1436, of the Revised Civil Statutes which requires all electric wires to be constructed and maintained over public property at a height of at least 22 feet by substantially changing this requirement so that "in no case shall such lines be maintained at a height of less than fifteen (15) feet, provided, however, that this requirement shall not apply to service wires running from any house, building

or structure to the first pole; or such lines may be constructed and maintained in underground pipes and conduits, as the exigencies of the case may require."

The recited purpose of the bill is to assist in rural electrification, but the grant of power as contained in the bill is so broad as to absolutely change the requirements with reference to electric utilities in general. I do not believe that these restrictions should be lessened over the State as a whole simply for the recited purpose of aiding rural electrification. It might be if the bill were limited in its application to rural electrification projects that this legislation would be appropriate. Under the circumstances, however, I am unwilling to approve the same.

For the reasons stated, I have therefore disapproved and vetoed the bill, and am returning it to the House of Representatives in which it originated.

Respectfully,

JAMES V. ALLRED,
 Governor of Texas.

House Bill No. 5 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being H. B. No. 5, regulating the sale, etc., of alcoholic liquors on its passage to third reading; with amendment by Senator Spears to Section 3(a) of the bill pending.

Senator Pace moved to table the amendment.

Pending consideration of the motion to table, Senator Head occupied the Chair temporarily.

(President in the Chair.)

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—16.

Beck	Lemens
Brownlee	Neal
Burns	Newton
Cotten	Pace
Davis	Rawlings
Hill	Redditt
Holbrook	Van Zandt
Isbell	Westerfeld

Nays—12.

Aikin	Shivers
Collie	Spears
Head	Stone
Moore	Sulak
Oneal	Winfield
Roberts	Woodruff

Absent—Excused.

Nelson

Paired.

Senator Small (present), who would vote yea with Senator Weinert (absent), who would vote nay.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that

The House has adopted the conference committee report on S. B. No. 402 by a vote of 93 yeas, 13 nays.

The House has adopted the conference committee report on S. B. No. 491 by a viva voce vote.

The House has passed the following resolutions:

H. C. R. No. 134, authorizing the Enrolling Clerk to correct the caption of H. B. 352.

H. C. R. No. 135, authorizing certain corrections to be made in H. B. No. 1135.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 134.

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 134, authorizing certain corrections in enrolled copy of H. B. 352.

The resolution was read.

By unanimous consent, the resolution was considered at this time and was adopted.

House Concurrent Resolution
No. 135.

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 135, authorizing cor-

rections in Section 1 of enrolled copy of H. B. No. 1135.

The resolution was read and by unanimous consent, it was adopted at this time.

Report of Conference Committee on
Senate Bill No. 402.

Senator Davis submitted the following report of the free conference committee on S. B. No. 402:

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Hon. Robert W. Calvert, Speaker of the House of Representatives.

Gentlemen: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on S. B. No. 402, beg leave to report that the House has receded from their action and has agreed on the passage of S. B. No. 402 as passed by the Senate, as attached hereto.

DAVIS,
RAWLINGS,
LEMENS,
AIKIN,
HEAD,

On the part of the Senate.

McKINNEY,
FUCHS of Washington,
KEITH,

On the part of the House.

By Davis.

S. B. No. 402.

A BILL
to be entitled

An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1 to 4 inclusive of Chapter 184 of the Regular Session of the Forty-fourth Texas Legislature be and the same hereby are amended to read as follows:

"Section 1. There is hereby created the Texas National Guard Armory Board, hereinafter called the "Board" to be composed of three members. The persons acting as the members of the existing Texas National Guard Armory Board shall constitute the members of the Board

under the provisions of this Act. The members of the Board shall serve without compensation until their resignation in writing shall be accepted by the Governor of Texas, or until death or removal for malfeasance. Any vacancy shall be filled by the senior active officer of the Texas National Guard, after excluding such officers as shall then be members of the Board, whose name shall be certified to the Secretary of State by the Adjutant General of the State of Texas not later than fifteen days after such vacancy shall have occurred. Any such officer appointed to fill a vacancy shall qualify for office by taking and filing the constitutional oath of office with the Secretary of State. In case any officer appointed to fill any vacancy shall for any reason fail to qualify in such manner within a period of not exceeding fifteen days from the date of the certification of his name with the Secretary of State as herein provided, the Adjutant General of the State of Texas shall certify that fact to the Secretary of State together with the name of the next senior active officer of the Texas National Guard in like manner as hereinabove provided. Said Texas National Guard Armory Board shall be and is hereby constituted a body politic and corporate. The Board shall elect as Chairman the member thereof who is the senior ranking officer of the Texas National Guard, active or retired, and shall elect as Treasurer the member thereof who is the lowest ranking officer of the three persons constituting the members of said Board, and said members, so designated shall thereupon constitute the Chairman and Treasurer, respectively, of said Board. The Board shall employ a secretary at a salary not to exceed Three Thousand Dollars (\$3000) per year and traveling expenses.

The Board shall act by resolution adopted at a meeting thereof called and held in accordance with such by-laws or rules and regulations as the Board may adopt for the regulation of the conduct of the affairs thereof. Two members of the Board shall constitute a quorum for the transaction of business at all meetings and any action taken by two members of the Board at a meeting shall be deemed

to be the action of the Board for all purposes.

"Sec. 2. It shall be the duty of the Board to select in some city convenient to the members thereof, a place for the headquarters of said Texas National Guard Armory Board. It shall be the duty of said Board to have charge of the acquisition, construction, rental, control, maintenance and operation of all Texas National Guard armories, including stables, storehouses, rifle ranges and all other property and equipment necessary or useful in connection therewith, and said Board shall possess all powers necessary and convenient for the accomplishment of such duty, including, but without being limited thereto, the following express powers:

(a) To sue and be sued.

(b) To enter into contracts in connection with any matter within the objects, purposes or duties of the Board. The taking and tabulation of bids for work approved for bids by the Armory Board, and the supervision of construction under contracts executed by the Armory Board, and the purchase of furniture and equipment desired by said Armory Board, shall be the duty of the State Board of Control of the State of Texas, for and on behalf of the Armory Board.

(c) To have and use a corporate seal.

(d) To employ and pay and dismiss such agents, employees and counsel as may be necessary to carry out the objects, purposes, and duties of the Board.

(e) To adopt, and from time to time change or amend, all necessary by-laws, rules and regulations for the conduct of the business and affairs of the Board.

(f) To acquire property of any and every description whether real, personal or mixed, by gift or by purchase, to convey such property, and to pledge the rents, issues and profits thereof.

(g) To acquire building sites and buildings and equipment suitable for armory purposes, by gift or purchase; to acquire building sites by gift or purchase, and to construct and equip buildings thereon, and to hold, use and convey such building sites and buildings, together with all

appurtenances thereunto belonging, and all equipment located thereon, and to pledge the rents, issues, and profits thereof. All such property, together with the rents, issues and profits thereof, shall be exempt from taxation by the State of Texas or by any municipal corporation, county or other political subdivision or taxing district in the State.

(h) To borrow money, and to issue and sell bonds, debentures and other evidences of indebtedness for the purpose of acquiring building sites and buildings, and for the purpose of constructing and equipping buildings, such bonds, debentures or other evidences of indebtedness to be fully negotiable and to be payable solely from the rents, issues and profits of all of the property so acquired or constructed by the Board. Such bonds, debentures or other evidences of indebtedness may be issued in series, and if so issued all series thereof shall rank equally, without preference or priority of any one series over another, whether by reason of the date of issue or negotiation thereof or the date of maturity thereof, or for any other reason. And all such bonds, debentures or other evidences of indebtedness and the interest thereon shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any Municipal corporation, county or other political subdivision or taxing district in the State. Said bonds, debentures or other evidences of indebtedness may be sold by the Board in any manner they may determine; provided that no bonds, debentures or other evidences of indebtedness shall be issued and sold at a price which will be such that the interest cost of the money received by the Board from the sale thereof will exceed six per cent (6%) per annum, computed to maturity, according to standard tables of bond values. And provided further that no bonds, debentures or other evidences of indebtedness shall be sold unless and until same shall have been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts. Such bonds, debentures or other evidences of indebtedness shall be secured by pledge of all of the rents, issues and profits of all the

property owned by the Board, and for that purpose the Board shall have power from time to time to execute and deliver trust deeds and trust agreements whereunder any bank or trust company authorized by the laws of the State or of the United States of America to accept and execute trusts in the State may be named and act as Trustee. Any such trust deed or trust agreement may contain provisions for the deposit with the Trustee thereunder and the disbursement by such Trustee of the proceeds of the bonds, debentures or other evidences of indebtedness issued thereunder or secured thereby, and the rents, issues, and profits of all property acquired or constructed out of such proceeds, any may also contain such provisions for the protection and enforcement of the rights and remedies of the said Trustee and the holders of such bonds, debentures or other evidences of indebtedness as the Board may approve, including provisions for the acceleration of the maturity of any such bonds, debentures or other evidences of indebtedness upon default by the Board in the performance or observance of any of the covenants or provisions of such bonds, debentures or other evidences of indebtedness or of the trust deed or trust agreement whereunder the same are issued or secured. Any such trust deed or trust agreement shall provide that all bonds, debentures or other evidences of indebtedness issued at any time thereunder shall be equally secured thereby but any such trust deed or trust agreement may contain and impose upon the Board limitations and conditions governing the right of the Board to issue additional bonds, debentures or other evidences of indebtedness. All such bonds, debentures or other evidences of indebtedness shall be signed by the Chairman of the Board, countersigned by the Treasurer thereof, and the corporate seal of the Board shall be thereto affixed, and such seal attested by the Secretary of the Board, and in case any officer of the Board who shall have signed or attested any such bond, debenture or other evidence of indebtedness shall cease to be such officer before such bond, debenture or other evidence of in-

debtedness shall have been actually issued by the Board, such bond, debenture or other evidence of indebtedness may nevertheless be validly issued by the Board. Such bonds, debentures or other evidences of indebtedness may be issued in fully registered form without interest coupons, or in coupon form registerable as to principal only, or in bearer form with coupons attached. All of such coupons shall be authenticated by the facsimile signature of the Treasurer of the Board; and

(i) To execute and deliver leases demising and leasing to the State of Texas through the Adjutant General for such lawful term as may be determined by the Board, any building or buildings and the equipment therein and the site or sites therefor, to be used for armory and other proper purposes, and to renew such leases from time to time; provided, however, that if at any time the State of Texas shall fail or refuse to pay the rental reserved in any such lease, or shall fail or refuse to lease any such building and site, or to renew any existing lease thereon at the rental provided to be paid, then the Board shall have the power to rent such building and equipment and the site therefor to any person or entity and upon such terms as the Board may determine. The law requiring notice and competitive bids shall not apply to leasing of such property. The annual rental (which may be made payable in such installments as the Board shall determine) to be charged the State of Texas for the use of such property leased to it by the Board shall be sufficient to provide for the operation and maintenance of the property so leased, to pay the interest on the bonds, debentures or other evidences of indebtedness issued for the purpose of acquiring, constructing or equipping such property, to provide for the retirement of such bonds, debentures or other evidences of indebtedness, and the payment of the expenses incident to the issuance thereof, as well as the necessary and proper administrative expenses of the Board. Every such lease shall expressly provide that the rights of the lessee thereunder, whether the lessee be the State of Texas or any other person or entity, shall be ex-

pressly subject and subordinate to the lien of any trust deed or trust agreement made by the Board (either before or after the date of delivery or recordation of such lease) and pledging the rents, issues and profits of such property.

"Sec. 3. As and when the property owned by the Board shall be fully paid for, free of all liens, charges and encumbrances, and all debts and other obligations incurred in connection with the acquisition or construction of property have been fully paid, the Board shall donate, transfer and convey such property, by appropriate instruments of transfer and conveyance, to the State of Texas, and such instruments of transfer and conveyance shall be kept in the custody of the Adjutant General's Department.

"Sec. 4. The Board shall cause to be kept accurate minutes of its meetings and accurate records and books of account in conformity with approved methods of bookkeeping, clearly reflecting the income and expenses of the Board and all transactions in relation to its property. In the execution and administration of objects and purposes herein set forth, the Board shall have power to adopt means and methods reasonably calculated to accomplish such objects and purposes and this Act shall be construed liberally in order to effectuate such objects and purposes.

Sec. 2. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 3. The fact that it is essential that the existing law relative to Texas National Guard armories be amended so as to authorize and permit the immediate issuance of securities to obtain funds for construction and acquisition of armories and thereby take advantage of grants and loans from the Federal Government and others for armory purposes, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take

effect and be in force from and after the date of its passage and it is so enacted.

The report was adopted by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused.

Nelson Weinert

Recess.

On motion of Senator Aikin, the Senate, at 5:20 o'clock p. m., took recess to 7:30 o'clock p. m., today.

Night Session.

The Senate met at 7:30 o'clock p. m. and was called to order by the President.

Reports of Standing Committees.

(By unanimous consent.)

Reports on H. C. R. No. 89, H. C. R. No. 130, S. C. R. No. 67, H. C. R. No. 65, and House Bills Nos. 424, 873, 376, 820, 821, 1164, 207 and 811, and on Senate Bill No. 516 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

House Bill No. 113 on Second Reading.

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 113, A bill to be entitled "An Act to provide for a local option election in counties having 10,000 or more cattle, sheep and goats

rendered for taxation to determine whether or not the qualified voters of such county desires to authorize the levy, assessment and collection of an annual tax on cattle, sheep, and goats; providing for the method of levying, assessing and collecting such annual tax; and further providing for the deposit of the moneys collected from such annual tax in a special fund to be known as 'The Domestic Livestock Protective Fund'; providing authority and requiring the commissioners' court of such county adopting the provisions of this Act to employ additional law enforcement officers, and fixing the compensation of such officers and the reports to be filed by them, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Winfield and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 113 on Third Reading.

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 113 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson

Weinert

The President laid H. B. No. 113 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson Weinert

House Bill No. 645 on Second Reading.

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 645, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; etc., and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 645 on Third Reading.

Senator Woodruff moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 645 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Nays—1.

Aikin

Absent.

Moore

Absent—Excused.

Nelson Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill No. 144 on Second Reading.

On motion of Senator Westerfeld and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 144, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment of the Board; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said Board; etc., and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 144, page 4, by striking out lines 45 and 46, and including the word "more," in line 47, and inserting in lieu thereof the following:

"Any person of good moral character who shall, at the time that this Act becomes effective, be practicing architecture in this State as his or her principal vocation, and who was engaged in the practice of architecture for a period of at least six months prior to the passage of this Act, and who shall present to the Board an affidavit to that effect, shall be entitled to receive such certificate without examination."

The amendment was adopted.

H. B. No. 144 was passed to third reading.

House Bill No. 144 on Third Reading.

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 144 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Westerfeld
Newton	Winfield
Oneal	Woodruff

Nays—2.

Aikin	Collie
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Absent.

Moore

Absent—Excused.

Nelson	Weinert
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The President laid H. B. No. 144 before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Cotten and by unanimous consent, it was ordered that the caption be amended to conform with the body of the bill.

The bill then was passed.

House Bill No. 1120 on Second Reading.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1120, A bill to be entitled "An Act fixing the salary of county commissioners in all counties having an assessed valuation of not less than \$16,000,000.00 nor more than \$17,000,000.00, and containing a population of not less than 19,000 nor more than 19,900 according to the last Federal Census; repealing all laws in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Shivers and by unanimous consent, the Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 1120 by adding a new section at the proper place to read as follows:

"Sec. ____ Provided, however, that in all counties with a population not less than Twenty-Four Thousand, One Hundred (24,100), and not more than Twenty-Four Thousand, One Hundred and Seventy-Five (24,175) according to the last preceding Federal Census, each of the Commissioners in said counties shall receive in addition to the salaries fixed by law in such counties their actual and necessary expenses incurred in the conduct of their office in an amount not to exceed Fifty (\$50.00) Dollars per month, payable out of the Road and Bridge Fund of such counties on verified claims, and approved by the County Auditor of such counties.

And amend the caption to conform.

The amendment was adopted.

H. B. No. 1120 was passed to third reading.

House Bill No. 1120 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Westerfeld
Lemens	Winfield
Neal	Woodruff
Newton	

Nays—1.

Oneal

Absent—Excused.

Moore Weinert
Nelson

House Bill No. 1174 on Second Reading.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1174, A bill to be entitled "An Act making it lawful to catch fish with hooks, traps, seines, and nets in the waters of Red River in Fannin, Cooke, Grayson, Lamar, Red River and Bowie Counties, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 1174 on Third Reading.

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1174 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Brownlee
Beck	Burns

Collie	Rawlings
Cotten	Redditt
Davis	Roberts
Head	Shivers
Hill	Small
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Neal	Van Zandt
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff

Absent.

Moore

Absent—Excused.

Nelson Weinert

House Bill No. 424 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 424, A bill to be entitled "An Act regulating industrial homework; defining certain terms; prohibiting certain forms of industrial homework; empowering the Board of Health to enforce the provisions of this Act; prescribing the procedure to be used by the Board of Health; requiring an employers permit for industrial homework and providing a license fee therefor; requiring a certificate for any person who shall engage in industrial home work; requiring all materials or articles manufactured by industrial homework to be labeled with the employers' name and address; providing that articles unlawfully manufactured by homework may be seized by the Board of Health; requiring an employer to keep records of industrial homework; making it the duty of the Board of Health to enforce the provisions of this Act; authorizing the Board of Health or its authorized representatives to administer oaths and take affidavits; providing a penalty, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Spears and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 424 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 424 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Nays—1.

Aikin

Absent.

Moore

Absent—Excused.

Nelson Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Nays—1.
Aikin

Absent.
Moore

Absent—Excused.
Nelson Weinert

Senate Bill No. 507 on Second Reading.

On motion of Senator Small and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 507, A bill to be entitled "An Act validating all ordinances of cities operating under the Home Rule amendment to the Constitution of this State, which have heretofore been published in accordance with the provisions of the charters of such home rule cities; providing for the publication of ordinances of such home rule cities; and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Small and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Small offered (committee) amendment No. 1 to the bill.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill No. 507 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 507 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Cotten
Beck	Davis
Brownlee	Head
Burns	Hill
Collie	Holbrook

Isbell	Shivers
Lemens	Small
Neal	Spears
Newton	Stone
Oneal	Sulak
Pace	Van Zandt
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff

Absent.

Moore

Absent—Excused.

Nelson

Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson

Weinert

House Bill No. 1141 on Second Reading.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1141, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits two (2) counties or portions thereof, one of which counties according to the latest Federal Census had a population of not fewer than fifteen thou-

sand, one hundred and forty (15,140) and not more than fifteen thousand, one hundred and sixty (15,160) inhabitants, whether organized under General or Special Law; providing the values to be fixed by the county board of equalization and taxes to be collected by the assessor-collector; etc."

The President laid the bill before the Senate.

On motion of Senator Shivers and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1141 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1141 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson

Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin	Brownlee
Beck	Burns

Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Neal	Westerfeld
Newton	Winfield
Pace	Woodruff
Rawlings	

Nays—1.

Oneal

Absent.

Moore

Absent—Excused.

Nelson

Weinert

House Bill No. 1050 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1050, A bill to be entitled "An Act providing relief for the Common and Independent School Districts of Sabine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over 70 % of the land in said county, thereby taking off the tax rolls of such districts a major portion of the taxable valuation; making an appropriation for said districts in said county to enable them to continue their program of education, and declaring an emergency."

The bill was read second time.

On motion of Senator Redditt and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1050 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1050 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff

Absent.

Moore

Absent—Excused.

Nelson Weinert

The President laid H. B. No. 1050 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Nays—1.

Isbell

Absent.

Moore

Absent—Excused.

Nelson Weinert

Senate Bill No. 389 on Second Reading.

On motion of Senator Pace, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 389, A bill to be entitled "An Act amending Article 198, Title 8, Revised Civil Statutes of 1925, and Article 1817, Title 39, Revised Civil Statutes of 1925, creating a new Supreme Judicial District and providing for the location of said Supreme Judicial District, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Pace offered the following amendment to the bill:

Amend S. B. No. 389 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. From and after the passage of this Act, Article 198, Title 8, of the Revised Civil Statutes of Texas, 1925, shall read as follows:

"Art. 198. Supreme Judicial Districts. This State shall be divided into twelve (12) Supreme Judicial Districts composed of the following named counties for the purpose of constituting and organizing a Court of Civil Appeals in each of the several Supreme Judicial Districts as follows, to-wit:

"First—Walker, Grimes, Burleson, Washington, Waller, Harris, Chambers, Austin, Colorado, Lavaca, DeWitt, Jackson, Matagorda, Wharton, Brazoria, Fort Bend, Galveston.

"Second — Wichita, Clay, Montague, Wise, Tarrant, Cooke, Denton, Parker, Archer, Young, Jack and Hood.

"Third — Milam, Lee, Bastrop, Caldwell, Hays, Travis, Williamson, Bell, Burnet, Blanco, Llano, San Saba, Lampasas, Mills, McCulloch, Brown, Coleman, Runnels, Tom Green, Concho, Comal, Fayette, Coke, Sterling, Irion and Schleicher.

"Fourth—Val Verde, Guadalupe, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Kerr, Bandera, Uvalde, Zavala, Dimmit, Webb, LaSalle, Frio, Medina, Duval, McMullen, Atascosa Bexar, Kendall, Wilson, Live Oak, Zapata, Bee, Karnes, Victoria, Goliad, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells, Kleberg, Kenedy, Willacy, Gillespie, Mason, Gonzales, Calhoun, Refugio, San Patricio, Aransas and Nueces.

"Fifth—Grayson, Collin, Dallas, Rockwall, Kaufman, and Hunt.

"Sixth — Fannin, Lamar, Red

River, Bowie, Delta, Hopkins, Franklin, Titus, Morris, Cass, Upshur, Marion, Harrison, Camp and Hunt.

"Seventh — Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeman, Wilbarger, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dickens, Kent and King.

"Eighth—Crockett, Gaines, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, Culberson and Hudspeth.

"Ninth—Angelina, San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine, and Nacogdoches.

"Tenth — McLennan, Freestone, Coryell, Hamilton, Bosque, Navarro, Johnson, Somervell, Falls, Limestone, Hill, Brazos, Leon, Madison, Robertson and Ellis.

"Eleventh — Dawson, Howard, Mitchell, Scurry, Nolan, Fisher, Stonewall, Taylor, Jones, Haskell, Knox, Callahan, Shackelford, Throckmorton, Baylor, Comanche, Eastland, Stephens, Erath, Palo Pinto and Borden.

"Twelfth—Van Zandt, Henderson, Anderson, Gregg, Smith, Cherokee, Rusk, Panola, Shelby, Houston, Trinity, San Augustine, Wood and Rains.

"Sec. 2. Appeals perfected in civil cases to the Court of Civil Appeals from the trial courts of Hunt County on and after January 1st, and prior to July 1st of each year, shall be filed in the Court of Civil Appeals for the Sixth (6th) Supreme Judicial District of Texas at Texarkana, and those thereafter perfected prior to January 1st, of the succeeding year, shall be filed in the Court of Civil Appeals for the Fifth (5th) Supreme Judicial District of Texas at Dallas; provided however, that no appeal shall be dismissed because of an error in filing the same in the wrong court, and in any such instance, unless objection be made by a party litigant, the case shall remain upon the docket of the court where filed, but on re-

quest therefor being made by any such litigant, the record and all papers pertaining to said appeal, shall be transmitted by the clerk to the court where erroneously filed to the clerk of the proper Court of Civil Appeals."

Sec. 2. Article 1817, Title 39, Revised Civil Statutes of Texas, 1925, shall hereafter read as follows:

"Art. 1817. Location of Courts. A Court of Civil Appeals shall be held at the following places, respectively:

"1. In the First Supreme Judicial District, in the City of Galveston.

"2. In the Second Supreme Judicial District, in the City of Fort Worth.

"3. In the Third Supreme Judicial District, in the City of Austin.

"4. In the Fourth Supreme Judicial District, in the City of San Antonio.

"5. In the Fifth Supreme Judicial District, in the City of Dallas.

"6. In the Sixth Supreme Judicial District, in the City of Texarkana.

"7. In the Seventh Supreme Judicial District, in the City of Amarillo.

"8. In the Eighth Supreme Judicial District, in the City of El Paso.

"9. In the Ninth Supreme Judicial District, in the City of Beaumont.

"10. In the Tenth Supreme Judicial District, in the City of Waco.

"11. In the Eleventh Supreme Judicial District, in the City of Eastland.

"12. In the Twelfth Supreme Judicial District, in the City of Tyler.

"13. The cities of Beaumont, Waco, Eastland, Tyler, respectively, shall furnish and equip suitable rooms for the Court of Civil Appeals therein, and for the justices thereof, without cost or expense to the State."

Sec. 3. The fact that litigants are so far removed from the location of the various Courts of Civil Appeals, and the fact that there is an increasing amount of litigation in the section composing the Twelfth Supreme Judicial District, and the crowded condition of the dockets of the Courts of Civil Appeals in the entire East Texas area, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended.

and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill No. 389 on Third Reading.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 389 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Spears
Davis	Stone
Head	Sulak
Hill	Van Zandt
Lemens	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Nays—5.

Aikin	Shivers
Holbrook	Small
Isbell	

Absent.

Moore

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read thrd time.

Senator Redditt offered the following amendment to the bill:

Amend S. B. No. 389 by inserting in the proper places and in the proper districts the following:

"It is provided that the Counties of Shelby, San Augustine and Nacogdoches shall be in the Ninth Supreme Judicial District and also in the Twelfth Supreme Judicial District so that said counties shall be in both districts."

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—17.

Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Spears
Davis	Stone
Head	Van Zandt
Hill	Westerfeld
Lemens	Winfield
Newton	

Nays—10.

Aikin	Oneal
Beck	Shivers
Holbrook	Small
Isbell	Sulak
Moore	Woodruff

Present—Not Voting.

Neal	Rawlings
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Absent—Excused.

Nelson	Weinert
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Senate Bill No. 468 on Second Reading.

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 468, A bill to be entitled "An Act declaring to be an unlawful monopoly and its purposes to be in restraint of trade, any combination of persons, firms or corporations which determines the amount of money to be paid to it or to its members for the privilege of rendering publicly for profit copyrighted vocal or instrumental musical compositions, when such combination is composed of a substantial number of all musical composition copyright owners or their heirs, successors or assigns; requiring the composer, author, or publisher of vocal or instrumental copyrighted musical compositions, to act independently of any combination as herein declared unlawful, and to independently determine and specify upon the musical composition the selling price thereof; etc., and declaring an emergency."

The President laid the bill before

the Senate and it was read second time.

On motion of Senator Sulak, the bill was tabled subject to call.

House Bill No. 1175 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1175, A bill to be entitled "An Act granting to the United States easement for intracoastal waterway, etc., and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Moore and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time.

Senator Moore offered the following amendments to the bill:

(1)

Amend H. B. No. 1175 by adding a new Section to be numbered Section 4.

"Sec. 4. The importance of this Act and the necessity of easement to the United States in certain lands for constructing and maintaining the proposed Louisiana and Texas Intracoastal Waterway, creates an emergency and an imperative public necessity that the constitutional rule which requires that bills be read on three several days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

(2)

Amend H. B. No. 1175 by striking out all above the enacting clause and inserting in lieu thereof the following:

An Act granting the government of the United States of America an easement in certain submerged lands in Calhoun and Aransas Counties for the purpose of constructing and maintaining an Intracoastal waterway; providing for a forfeiture, and declaring an emergency.

The amendments were adopted severally.

H. B. No. 1175 was passed to third reading.

House Bill No. 1175 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1175 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused.

Nelson Weinert

The President laid H. B. No. 1175 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused.

Nelson Weinert

House Bill No. 592 on Second Reading.

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 592, A bill to be entitled "An Act creating the Upper Red River Flood Control and Irrigation District, a conservation and reclamation district, to be a governmental agency, body politic, and corporate; prescribing and limiting the powers, rights, privileges, functions and liabilities of such district and prescribing the manner of their exercise, and providing the powers and duties of such district shall be subject to the continuing rights of supervision by the State through the State Board of Water Engineers, and the State Reclamation Engineer; making an appropriation; declaring the Act to be severable, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 592 by striking out all of Section 9 save and except the first sentence of said Section and by changing the words and figures Five Thousand (5000.00) in said first sentence and substituting the words and figures Two Thousand (2000.00).

The amendment was adopted.

The bill was passed to third reading.

House Bill No. 592 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 592 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Small
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff
Rawlings	

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Lemens	Sulak
Neal	Westerfeld
Newton	Winfield
Oneal	

Nays—6.

Aikin	Moore
Holbrook	Van Zandt
Isbell	Woodruff

Absent—Excused.

Nelson	Weinert
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Senate Concurrent Resolution No. 64.

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time the following resolution:

S. C. R. No. 64, Authorizing Trinity Portland Cement Company to sue the State.

The President laid the resolution before the Senate and it was adopted.

Senate Bill No. 182 on Second Reading.

On motion of Senator Oneal the regular order of business was sus-

pending, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 182, A bill to be entitled "An Act to amend Section 13 of Article 2, Chapter 467, of the Acts of 1935, Forty-fourth Legislature, Second Called Session, page 1795, so as to authorize cities and towns and governing authorities thereof to regulate the places of business where beer is sold in connection with a cafe, sandwich stand or other similar business, to be drunk on or off the premises in such cities, and where beer is not the principal business, and to prescribe for such places of business opening and closing hours, authorizing such cities and towns to designate certain territories in such cities where such regulations and closing hours shall be observed, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Moore moved that the bill be tabled, and the motion was lost.

The bill was passed to engrossment.

Motion to Suspend Constitutional Rule.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 182 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—15.

Aikin	Oneal
Beck	Pace
Burns	Redditt
Collie	Shivers
Cotten	Small
Hill	Van Zandt
Isbell	Woodruff
Lemens	

Nays—10.

Brownlee	Newton
Davis	Rawlings
Holbrook	Stone
Moore	Sulak
Neal	Winfield

Absent.

Head	Spears
Roberts	Westerfeld
Absent—Excused.	
Nelson	Weinert

House Bill No. 561 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 561, A bill to be entitled "An Act to define and fix the limits and jurisdiction of the Nineteenth, Fifty-fourth and Seventy-fourth District Courts and to provide for the terms thereof and the procedure to be followed therein in certain particulars; to provide for the judges of said courts to exchange benches, authorizing either of said judges to sit in either of said courts; authorizing the transfer of a case from either of said courts to another one thereof; etc., and declaring an emergency."

On motion of Senator Newton and by unanimous consent, Senate Rule 31a was suspended to permit consideration of the bill at this time.

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 561 on Third Reading.

Senator Newton moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 561 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings

Redditt	Sulak
Roberts	Van Zandt
Shivers	Westerfeld
Small	Winfield
Spears	Woodruff
Stone	

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused.

Nelson	Weinert
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House Bill No. 557 on Second Reading.

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 557, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker or as agent of any commission merchant dealer, or broker; defining certain terms as used herein; providing manner of settlement by licensees with producer, seller or owner; providing that all contracts between dealers and owners, sellers or producers, shall be in writing and providing time and manner of settlement, making it unlawful for any person to engage in business as a commission merchant, dealer, broker or as an

agent of any commission merchant, dealer or broker without first complying with the terms and provisions of this Act; etc., and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Neal and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

Motion to Suspend Constitutional Rule.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 557 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—14.

Beck	Neal
Brownlee	Newton
Cotten	Pace
Davis	Rawlings
Holbrook	Redditt
Isbell	Van Zandt
Lemens	Winfield

Nays—8.

Aikin	Oneal
Burns	Shivers
Hill	Sulak
Moore	Woodruff

Present—Not Voting.

Collie

Absent.

Head	Spears
Roberts	Stone
Small	Westerfeld

Absent—Excused.

Nelson	Weinert
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House Bill No. 76 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up and have placed in its second reading and passage to third reading:

H. B. No. 76, A bill to be entitled "An Act amending Article 4667 of Title 76 of the Revised Civil Statutes of the State of Texas, 1925, and authorizing any citizen of the State of Texas to sue for injunction against bullfighting, in addition to the present authorization therefor by the Attorney General or any district or county attorney, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 76 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 76 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff

Absent.

Head	Spears
Roberts	

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill No. 572 on Second Reading.

On motion of Senator Isbell and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 572, A bill to be entitled "An Act amending Article 2544, R. C. S. of Texas, 1925, Article 2545, R. C. S. of Texas, 1925, Article 2546, R. C. S. of Texas, 1925, Article 2547, R. C. S. of Texas, 1925, as amended by Chapter 129, Acts Fortieth Legislature, as amended by Chapter 11, Acts Forty-first Legislature, as amended by Chapter 19, Acts Forty-third Legislature, etc."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 572 on Third Reading.

Senator Isbell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 572 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Moore
Cotten	Neal
Davis	Newton

Oneal	Stone
Pace	Sulak
Rawlings	Van Zandt
Redditt	Winfield
Shivers	Woodruff
Small	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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House Bill No. 711 on Second Reading.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 711, A bill to be entitled "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, page 156, Chapter 105; Acts, 1931, Forty-second Legislature, page 755, Chapter 299; Acts, 1931, Forty-second Legislature, page 852, Chapter 360; Acts, 1933, Forty-third Legislature, page 14, Chapter 10; Acts, 1933, Forty-third Legislature, Special Law, page 59, Chapter 49; Acts, 1933, Forty-third Legislature, page 636, Chapter 213; and an Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, page 73, Chapter 33, and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Collie offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 711 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, Page 73, Chapter 33, be and the same is hereby amended so that it shall hereafter read as follows:

"Article 7008. Section 2. Provided this Act does not apply to the following Counties in Texas: Bowie, Marion, Morris, Titus, Cass, Brewster, Crockett, El Paso, Hudspeth, Culberson, Ward, Reeves, Winkler, Ector, Midland, Glasscock, Reagan, Upton, Crane, Real, Sutton, Edwards, Kinney, Val Verde, Terrell, Presidio, Jeff Davis, Pecos, Uvalde, Medina, Maverick, Taylor, Scurry, Eastland, Callahan, Throckmorton, Jones, Shackelford, Haskell, Stephens, Jefferson, Hardin, Liberty, Orange, Red River, Lamar, Delta, Hopkins, Franklin, Brazos, Robertson, Burleson, Lee, Washington, Bastrop, Kaufman, Henderson, Navarro, Freestone, Anderson, Bell, Erath, Bosque, Hamilton, Coryell, Galveston, Chambers, Matagorda, Wharton, Fort Bend, Travis, Williamson, San Saba, Llano, Lampasas, Burnet, Tarrant, Dallas, Hill, Ellis, Johnson, Hood, Somervell, Baylor, Wichita, Archer, Young, Clay, Hardeman, Foard, Knox, Wilbarger, Parker, Palo Pinto, Jack, Denton, Wise, Hunt, Collin, Rains, Rockwall, Harrison, Rusk, Gregg, Panola, Shelby, Bailey, Lamb, Hale, Floyd, Motley, Cottle, King, Dickens, Lubbock, Hockley, Yoakum, Terry, Lynn, Kent, Stonewall, Crosby, Borden, Dawson, Gaines, Andrews, Howard, Martin, Cochran, Leon, Montgomery, San Jacinto, Pope, Grimes, Houston, Trinity, Walker, Van Zandt, Smith, Wood, Upshur, Camp, Fayette, Lavaca, Colorado, Austin, Waller, Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Oldham, Hutchinson, Lipscomb, Moore, Ochiltree, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Atascosa, Goliad, Live Oak, Refugio, Bee, Karnes, Aransas, DeWitt, San Patricio, Wilson, Victoria, Jackson, Calhoun, Sabine, Tyler, Cherokee, Jasper, Newton, Nacogdoches, San Augustine, Angelina, Cooke, Grayson, Fannin, Bexar, Kerr, Kendall, Bandera, Blanco, Hays, Comal, Caldwell, Guadalupe, Gonzales, Falls, Limestone, McLennan, Milam, Harris, Comanche, Mills, Brown, Coleman, McCulloch, Mason, Menard, Coke, Concho, Runnels, Tom Green, Irion, Schleicher, Sterling, Gillespie, and Kimble."

"Sec. 2. The fact that Mitchell, Nolan, and Fisher Counties have heretofore been exempted from the

Acts providing for a hide and animal inspection in certain counties and because cattle thieving and rustling have become rampant in Mitchell, Nolan, and Fisher Counties creates an emergency and a public necessity that the Constitutional Rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall become effective immediately upon its passage, and it is so enacted."

(2)

Amend H. B. No. 711 by striking out everything above the enacting clause and inserting in lieu thereof the following:

"A BILL
"To Be Entitled

"An Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, Page 73, Chapter 33; and declaring an emergency."

The (committee) amendments were adopted severally.

The bill was passed to third reading.

House Bill No. 711 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 711 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson

Weinert

House Bill No. 1178 on Second Reading.

On motion of Senator Holbrook and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1178, A bill to be entitled "An Act to provide for the creation of corporations for the purpose of dealing in, buying and selling, preparing for the market and preserving and canning, fruits, fruit juices and vegetables produced in the United States and enumerating the power and authority of such corporations; providing for the creation of corporations for the purpose of owning and operating aeroplanes and all other flying machines to be used in spraying orchards and crops with insecticides; providing for other rights and powers of such corporations, including the right to buy and sell insecticides and the right to acquire and maintain necessary starting and lighting grounds and fields and workshops; providing that this Act shall be cumulative of other Acts creating purposes for which corporations may

be formed, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Neal and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1178 on Third Reading.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1178 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23.

Aikin	Newton
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Shivers
Cotten	Small
Davis	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

54—Jour

Nays—2.

Hill	Oneal
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Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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House Bill No. 705 on Second Reading.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 705, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district and justice courts of said county to such change; repealing all laws in conflict with this Act, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Collie and by unanimous consent, Senate Rule 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 705 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 705 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Hill	Redditt
Holbrook	Shivers
Isbell	Small

Stone
Sulak
Van Zandt

Winfield
Woodruff

Absent.

Head
Roberts

Spears
Westerfeld

Absent—Excused.

Nelson

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin
Beck
Brownlee
Burns
Collie
Cotten.
Davis
Hill
Holbrook
Isbell
Lemens
Moore
Neal

Newton
Oneal
Pace
Rawlings
Redditt
Shivers
Small
Stone
Sulak
Van Zandt
Winfield
Woodruff

Absent.

Head
Roberts

Spears
Westerfeld

Absent—Excused.

Nelson

Weinert

Senate Bill No. 516 on Second Reading.

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 516, A bill to be entitled "An Act providing relief for the Tenaha Independent School District, Shelby County, Texas, in order to aid said school to rebuild school building destroyed by fire, making an appropriation for said district; and declaring an emergency."

The President laid the bill before the Senate and it was read second time.

Senator Beck offered the following amendment to the bill:

Amend S. B. No. 516 by substitut-

ing the words and figures: "Fifteen Thousand (\$15,000.00) Dollars" for the words and figures "Thirty Thousand (\$30,000.00) Dollars."

The amendment was adopted.

S. B. No. 516 was passed to engrossment.

Senate Bill No. 516 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 516 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22.

Aikin
Beck
Brownlee
Burns
Cotten
Davis
Hill
Holbrook
Lemens
Moore
Neal

Newton
Oneal
Pace
Rawlings
Redditt
Shivers
Small
Stone
Sulak
Winfield
Woodruff

Nays—3.

Collie
Isbell

Van Zandt

Absent.

Head
Roberts

Spears
Westerfeld

Absent—Excused.

Nelson

Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution No. 67.

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time, the following resolution:

S. C. R. No. 67, Authorizing Silas Gotcher to bring suit against the State.

The President laid the resolution before the Senate and it was adopted.

**House Concurrent Resolution
No. 130.**

On motion of Senator Cotten and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time, the following resolution:

H. C. R. No. 130, Authorizing the Highway Department to lend certain road equipment to Henderson County.

The President laid the resolution before the Senate and it was adopted.

**House Bill No. 873 on Second
Reading.**

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 873, A bill to be entitled "An Act making an emergency appropriation for the Leon River Conservation Project, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Collie and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

**House Bill No. 873 on Third
Reading.**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 873 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Lemens
Beck	Moore
Brownlee	Neal
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Hill	Redditt
Holbrook	Shivers
Isbell	Small

Stone
Sulak
Van Zandt

Winfield
Woodruff

Absent.

Head
Roberts

Spears
Westerfeld

Absent—Excused.

Nelson

Weinert

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin
Beck
Brownlee
Burns
Collie
Cotten
Davis
Hill
Holbrook
Isbell
Lemens
Moore
Neal

Newton
Oneal
Pace
Rawlings
Redditt
Shivers
Small
Stone
Sulak
Van Zandt
Winfield
Woodruff

Absent.

Head
Roberts

Spears
Westerfeld

Absent—Excused.

Nelson

Weinert

**House Bill No. 1025 on Second
Reading.**

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1025, A bill to be entitled "An Act providing relief of the Centerville Consolidated School District No. 42 of Trinity County, Texas, in order to aid said school district in repairing, rehabilitating and equipping its school building which was destroyed by fire on the 15th day of October, 1936; making an appropriation to said district for said property, and declaring an emergency."

On motion of Senator Burns and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 1025 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1025 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Lemens	Van Zandt
Moore	Winfield
Neal	Woodruff

Nays—1.

Isbell

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

House Bill No. 909 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 909, A bill to be entitled "An Act changing the name of the State Home for Dependent and Neglected Children to be hereafter known as Waco State Home, and creating an emergency."

The President laid the bill before the Senate.

On motion of Senator Newton and by unanimous consent, Senate Rule No. 31a was suspended to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 909 on Third Reading.

Senator Newton moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 909 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

House Bill No. 1052 on Second Reading.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1052, A bill to be entitled "An Act amending Section 13 of Chapter 42, page 49, Acts of the Regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the Judge of the

County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 1052 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1052 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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House Bill No. 1164 on Second Reading.

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1164, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligation heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, navigation districts, road districts, school districts, counties, cities, or incorporated towns of this State for public works projects, ratifying and validating the establishment and creation of such districts, cities and towns, and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Aikin and by unanimous consent, Senate Rules Nos. 31a and 48 were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1164 on Third Reading.

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1164 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin	Davis
Beck	Hill
Brownlee	Holbrook
Burns	Isbell
Collie	Lemens
Cotten	Moore

Neal	Small
Newton	Stone
Oneal	Sulak
Pace	Van Zandt
Rawlings	Winfield
Redditt	Woodruff
Shivers	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Shivers
Davis	Small
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Winfield
Moore	Woodruff
Neal	

Absent.

Head	Spears
Roberts	Westerfeld

Absent—Excused.

Nelson	Weinert
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House Concurrent Resolution No. 102.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 102, Commending the First Voters League of Texas for its worthy and necessary service to the cause of good government.

The President laid the resolution before the Senate and it was adopted.

Recess.

Senator Pace moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Senator Moore moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, May 17, 1937.

Question first recurring on the motion to adjourn, it was lost.

Question next recurring on the motion to recess, it prevailed; and the Senate, accordingly, at 9:40 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, May 13, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Wednesday, May 12, 1937:

H. B. No. 631:

Vote in Senate, yeas 29, nays 0.

Vote in House, yeas 119, nays 0.

Date signed by the Governor, May 12, 1937.

H. B. No. 772:

Vote in Senate, yeas 30, nays 0.

Vote in House, yeas 121, nays 1.

Date signed by the Governor, May 12, 1937.

H. B. No. 1139:

Vote in Senate, yeas 30, nays 0.

Vote in House, yeas 121, nays 0.

Date Signed by the Governor, May 10, 1937.

Assuring your of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,
Secretary of State.

By M. E. Sandlin,

Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 213, A bill to be entitled "An Act to amend Chapter Four, Title 93 Revised Civil Statutes of 1925, by adding at the end of said chapter Four a new section to be

known as the Penalty Clause and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Committee Room,

Austin, Texas, May 10, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 101, A resolution granting permission to the heirs and legal representatives of William F. Bickenbach, deceased, to bring suit against the State and the State Highway Commission for damages resulting from the death of said William F. Bickenbach.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1174, A bill to be entitled "An Act making it lawful to catch fish with hooks, traps, seines, and nets in the waters of Red River in Fannin, Cooke, Grayson, Lamar, Red River, and Bowie Counties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 557, A bill to be entitled "An Act providing for the licensing of all persons before engaging in the business of handling perishable agricultural commodities as defined in this Act, whether as a commission merchant, dealer, broker, or as agent

of any commission merchant, dealer, or broker; etc.; providing for the validity of remainder of this Act if any portion of the same be declared unconstitutional; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1051, A bill to be entitled "An Act providing relief for the common school districts of San Augustine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over forty-one (41) per cent of the land in said County thereby taking off the tax rolls of such districts a major portion of the valuation; making an appropriation for said districts in said County to enable them to continue their program of education; providing how money shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1050, A bill to be entitled "An Act providing relief for the common and independent school districts of Sabine County, Texas made necessary by the reason that the Federal Government has purchased over seventy (70) per cent of the land in said County thereby taking off the tax rolls of such districts a major portion of the taxable valuation; making an appropriation for said districts in said County to enable them to continue their program of education; providing how money shall be paid; and declaring an emergency," etc.

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1051, A bill to be entitled "An Act providing relief for the Common and Independent School Districts of San Augustine County, Texas, made necessary by reason of the fact that the Federal Government has purchased over forty-one (41) per cent of the land in said county thereby taking off the tax rolls of such districts a major portion of the taxable valuation; making an appropriation for said districts in said county to enable them to continue their program of education; providing how money shall be paid; and declaring an emergency, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 185 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. Nos. 489, 270, 142, 471, 438, and 208 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 12, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 144 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 13, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 65 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 65, "Granting John Haney and Lockwood Allison permission to sue the Texas State Liquor Board and/or the State of Texas for damages for personal injuries."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PACE, Chairman.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 811, A bill to be entitled "An Act to amend Article 305, Revised Civil Statutes of Texas, 1925, pertaining to candidates applying for examination to practice law; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 14, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 207, A bill to be entitled "An Act amending Section 6, Chapter 106, Acts of the Fortieth Legislature, First Called Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was
referred

H. B. No. 1164, A bill to be entitled
"An Act defining the term 'bonds'
as used in this Act; validating, rat-
ifying, and approving and confirming
all bonds heretofore authorized by
the qualified taxpaying voters of any
water control and improvement dis-
trict or any water improvement dis-
trict of this State, etc., and declar-
ing an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was
referred

H. B. No. 821, A bill to be entitled
"An Act to declare the necessity of
creating public bodies corporate and
politic to be known as housing au-
thorities to undertake slum clear-
ance and projects to provide dwell-
ing accommodations for persons of low
income; etc., and to declare an
emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

H. B. No. 820, A bill to be entitled
"An Act to authorize cities of
two hundred and thirty thousand
(230,000) to two hundred and fifty
thousand (250,000) population, ac-
cording to the last preceding Federal
Census, to aid housing projects of
housing authorities or of the United
States of America, etc., and declar-
ing an emergency."

Have had the same under consid-
eration, and I am instructed to re-

port it back to the Senate with the
recommendation that it do pass, and
be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Pub-
lic Lands and Land Office, to whom
was referred

H. B. No. 376, A bill to be entitled
"An Act amending Rule 47a of Arti-
cle 4477 of Title 71 of the Revised
Civil Statutes of the State of Texas,
1925, by repealing subparagraphs 6
and 25 thereof; and declaring an
emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass, and
be not printed.

WOODRUFF, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Finance, to whom was referred

S. B. No. 516, A bill to be entitled
"An Act providing relief for the Te-
naha Independent School District,
Shelby County, Texas in order to
aid said school to rebuild school
building destroyed by fire, making
an appropriation for said district;
and declaring an emergency," etc.

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 13, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Finance, to whom was referred

H. B. No. 873, A bill to be entitled
"An Act making an emergency ap-
propriation for the Leon River Con-
servation Project to be repaid out of
the first moneys received; etc."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
State Affairs, to whom was referred
S. C. R. No. 67, A resolution grant-
ing Silas Gotcher and Mrs. Katie
Gotcher permission to sue the State.

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
State Affairs, to whom was referred
H. C. R. No. 130, Granting Hen-
derson County the right to use cer-
tain equipment owned by the State
Highway Department.

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Public Health, to whom was re-
ferred

H. B. No. 424, A bill to be entitled
"An Act regulating industrial home-
work; defining certain terms; pro-
hibiting certain forms of industrial
homework; empowering the Board of
Health to enforce the provisions of
this Act; prescribing the procedure
to be used by the Board of Health;
requiring an employer's permit for
industrial homework and providing
a license fee therefor; requiring a
certificate for any person who shall
engage in industrial homework; re-
quiring all materials or articles man-
ufactured by industrial homework to
be labeled with the employer's name
and address; providing that articles
unlawfully manufactured by home-
work may be seized by the Board of
Public Health; requiring an em-
ployer to keep records of industrial
homework; making it the duty of
the Board of Health to enforce
the provisions of this Act; au-
thorizing the Board of Health or its

authorized representatives to admin-
ister oaths and take affidavits; pro-
viding a penalty; providing if any
part of the Act is declared invalid
the remainder of the Act shall not be
affected; and declaring an emer-
gency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
State Affairs, to whom was referred
H. C. R. No. 89, A resolution
granting Mrs. Esther Ramsey per-
mission to sue the State.

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass and
be not printed.

PACE, Chairman.

SEVENTY-SIXTH DAY—

CONTINUED.

(Saturday, May 15, 1937)

The Senate met at 10 o'clock a. m.,
and was called to order by President
Woodul.

Leaves of Absence Granted.

Senators Westerfeld, Weinert and
Nelson were granted leaves of ab-
sence for today on account of im-
portant business, on motion of Sen-
ator Burns and by unanimous con-
sent.

Senator Hill was granted leave of
absence for today on account of im-
portant State business, on motion of
Senator Beck.

Reports of Standing Committees.

(By Unanimous Consent.)

Reports on H. C. R. No. 90 and
on House Bills Nos. 469, 1162 and
1143 were submitted by the chair-
men of the several committees to
which they were referred. (See ap-
pendix for reports in full.)